

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCUS STINSON,

Plaintiff,

-against-

CUNY; CITY UNIVERSITY
CONSTRUCTION FUND; SONIA PEARSON,
in her official & individual capacity; PAMELA
SILVERBLATT, in her official & individual
capacity,

Defendants.

21-CV-6942 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

Plaintiff Marcus Stinson, appearing *pro se*, filed this action against CUNY, City University Construction Fund, Sonia Pearson, and Pamela Silverblatt.¹ By order dated February 3, 2022, the Court: (1) dismissed the action as barred by the doctrine of claim preclusion; (2) noted that Plaintiff had filed five other cases in this court and in the Eastern District of New York, asserting claims of employment discrimination and retaliation against the City University of New York (CUNY), his former employer; and (3) ordered Plaintiff, within thirty days, to show cause by declaration why he should not be barred from filing future actions in this Court without prior permission. (ECF No. 3.)

On February 7, 2022, in response to the Court's order, Plaintiff filed a response (ECF No. 4) which the Court reviewed, and on March 10, 2022, the Court, pursuant to 28 U.S.C. § 1651, barred Plaintiff from filing any future actions in this court in which he asserts claims of employment discrimination and retaliation against CUNY and its employees arising from Plaintiff's prior employment at CUNY without first obtaining from the court leave to file. (ECF No. 5.)

¹ Plaintiff paid the \$402.00 in filing fees to file this action.

Plaintiff filed a notice of appeal (ECF No. 7) on March 16, 2022, and a motion for leave to proceed *in forma pauperis* (IFP) on appeal (ECF No. 10) on March 31, 2022. By order dated April 8, 2022, the Court granted Plaintiff's request to proceed IFP on appeal. (ECF No. 12.)

On the same date that the Court granted Plaintiff's request to proceed IFP on appeal, Plaintiff filed a letter requesting to withdraw his request to proceed IFP on appeal and his notice of appeal. (ECF No. 13.) By Mandate issued on April 15, 2022, the United States Court of Appeals for the Second Circuit granted Plaintiff's request to withdraw his appeal. (ECF No. 14.)

One year and four and one-half months later, on August 28, 2023, Plaintiff filed a "Request to Re-Open Appeal No. 22-445 and Request to Move forward with Claims against Vincent Green in his capacity as a RFCUNY employee (post-August 18, 2017)."² (ECF No. 15.)

Plaintiff's request to reopen his appeal must be made in the United States Court of Appeals for the Second Circuit, where the appeal was pending. The Court therefore declines to rule on Plaintiff's request and directs the Clerk of Court to forward Plaintiff's request to the Second Circuit for consideration.

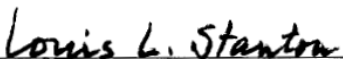
CONCLUSION

The Court declines to rule on Plaintiff's request. (ECF No. 15.)

The Clerk of Court is directed to forward Plaintiff's request (ECF No. 15) to the United States Court of Appeals for the Second Circuit for consideration.

SO ORDERED.

Dated: August 30, 2023
New York, New York



Louis L. Stanton
U.S.D.J.

² The Court notes that Plaintiff did not name Vincent Green as a Defendant in this action.